RECENT IMPORTANT DECISIONS

ADVERSE POSSESSION—TACKING.—To a suit in ejectment, defendant pleaded, (1) the statute of limitations of seven years, claiming adverse possession for that length of time; (2) also twenty years' adverse possession as a basis for the presumption of a grant. The possession relied upon is partially that of defendant's predecessor, between whom and defendant there was no privity. *Held,* (1) the defense of the statute of limitations is without merit. Successive possessions cannot be tacked to make up the period of that statute unless connected by privity; (2) but no privity is necessary to raise the presumption of a grant where the possession relied upon is continuous for twenty years, and this defense must prevail. *Ferguson* v. *Prince,* (Tenn. 1916) 190 S. W. 548.

The defendant's claim should have been rested on the statute of limitations, and not on the presumption of a lost grant. That statute should be considered as one of repose, and operate to defeat a title to land continuously held by adverse claimants for the statutory period, regardless of privity. This is the law of England, but is the minority rule in this country. *Rich* v. *Naffziger,* 255 Ill. 98, 99 N. E. 341; *Wishart* v. *McKnight,* 178 Mass. 356. The court reached the proper conclusion by employing the fiction of a lost grant, but the presumption of such a grant is correctly invoked only where the right claimed is an easement in land, and not the land itself. See 11 MICH. L. REV. 245.

ATTORNEY AND CLIENT—QUANTUM MERUIT.—Plaintiffs, who were attorneys at Los Angeles, wired Mumford, who lived in New Jersey, that he was heir to an estate in California; sent some information and details which were used by Mumford; and asked to be employed as associate attorneys, stating terms. Later they forwarded other information at Mumford's request, and were twice consulted by Mumford's New Jersey attorney as to possible employment. They now seek to recover quantum meruit for services rendered. *Held,* they are entitled to no compensation. *In re Mumford's Estate,* (Cal. 1916) 160 Pac. 667.

To support such recovery, there must be an evident showing that the services were rendered with some understanding or expectation by both parties that compensation was to be made. *In re McPherson's Estate,* 129 La. 182; *Paul* v. *Wilbur,* 189 Mass. 48. And the court found no such understanding in the principal case. On the contrary, it found that the information was given under the understanding that it was necessary to an intelligent decision whether or not plaintiff's services were necessary, and not that they should be paid therefor. This presumption arose from plaintiff's own letter, stating that Mumford was "to be put to no expense unless we are employed and are successful," and this was strengthened by the fact that the plaintiffs said nothing as to their claim when it became apparent that they would not be employed. It is clear that there can be no recovery where the attorney acts without defendant's knowledge or consent, even though it be admitted